

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

NEXPOINT ADVISORS, L.P., JAMES
DONDERO, NANCY DONDERO, AND
THE DUGABOY INVESTMENT TRUST,

Defendants.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

HIGHLAND CAPITAL MANAGEMENT
SERVICES, INC., JAMES DONDERO,
NANCY DONDERO, AND THE DUGABOY
INVESTMENT TRUST,

Defendants.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

HCRE PARTNERS, LLC (n/k/a NexPoint
Real Estate Partners, LLC), JAMES
DONDERO, NANCY DONDERO, AND
THE DUGABOY INVESTMENT TRUST,

Defendants.

Adv. Proc. No. 21-03005-sgj

Case No. 3:21-cv-00881-X

Adv. Proc. No. 21-03006-sgj

Case No. 3:21-cv-00881-X

Adv. Proc. No. 21-03007-sgj

Case No. 3:21-cv-00881-X

**OPPOSITION TO DEFENDANTS' MOTION TO STRIKE
APPENDIX IN SUPPORT OF PLAINTIFF'S REPLY MEMORANDUM
OF LAW IN FURTHER SUPPORT OF ITS MOTION FOR PARTIAL
SUMMARY JUDGMENT AGAINST THE ALLEGED AGREEMENT DEFENDANTS**

Highland Capital Management, L.P. ("Highland" or "Plaintiff"), the reorganized debtor in the above-captioned chapter 11 case (the "Bankruptcy Case") and plaintiff in the above-referenced adversary proceedings (collectively, the "Notes Actions"), hereby files this opposition (the "Opposition") to *Defendants' Motion to Strike Appendix in Support of Plaintiff's Reply Memorandum of Law in Further Support of Its Motion for Partial Summary Judgment Against the Alleged Agreement Defendants*¹ (the "Motion to Strike") filed by James Dondero, NexPoint Advisors, L.P. ("NexPoint"), Highland Capital Management Services, Inc. ("HCMS"), and HCRE Partners, LLC ("HCRE", and collectively with James Dondero, NexPoint, and HCMS, "Defendants"). Highland fully incorporates by reference its contemporaneously filed brief in opposition to the Motion to Strike and would show unto the Court as follows:

RELIEF REQUESTED

1. By this Opposition, Highland respectfully requests that the Court enter an order denying the Motion to Strike.
2. Pursuant to Rules 7.1(d) and (h) of the *Local Civil Rules of the United States District Court for the North District of Texas* (the "Local Rules"), a separate brief (the "Brief") is being filed contemporaneously with this Opposition and is incorporated by reference.

¹ Adv. Proc. No. 21-03003, Docket No. 169; Adv. Proc. No. 21-03005, Docket No. 177; Adv. Proc. No. 21-03006, Docket No. 178; and Adv. Proc. No. 21-03007, Docket No. 173.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Highland respectfully requests that the Court (i) deny the Motion to Strike and (ii) grant such other and further relief as the Court deems just and proper.

Dated: March 18, 2022

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